

**Emergency Regulations: Title 2, California Code of Regulations,
Sections 649.23 to 649.25**

Finding of Emergency

Emergency promulgation of these regulations is necessary for the immediate preservation of the public peace, health and safety, and the general welfare. The following facts provide the basis for the finding of emergency:

- (1) The Victim Compensation and Government Claims Board (Board) administers the Victim Compensation Program (Program) which reimburses eligible persons with compensable expenses, including, among others, medical, mental health, funeral or burial expenses, or income or support losses, incurred as a direct result of a crime. The statutes governing the Program were revised and reorganized, effective January 1, 2003. (Stats. 2002, ch. 1141.)
- (2) The Program reimburses eligible persons for outpatient psychiatric, psychological or other mental health counseling related expenses that are necessary as a direct result of the qualifying crime. Both the current and new statutes establish a framework for the payment of outpatient mental health counseling related expenses.
- (3) Unless dire or exceptional circumstances require more extensive treatment, the Program may reimburse, effective January 1, 2003, up to \$10,000 for outpatient mental health counseling related expenses for a victim, or a derivative victim who is the surviving parent, sibling, child, spouse, fiancé or fiancée of a victim of a crime that directly resulted in the death of the victim. In addition, not more than two specified derivative victims, who are primary caretakers of a minor victim and are fully eligible for reimbursement, share a total of \$10,000.
- (4) Unless dire or exceptional circumstances require more extensive treatment, the Program may reimburse, effective January 1, 2003, up to \$3,000 for mental health counseling related expenses for a derivative victim who is not eligible for up to \$10,000. However, a derivative victim who was not the primary caretaker of a minor victim at the time of the crime shall only be reimbursed if the counseling is necessary for the treatment of the victim. A victim of a specific violation of unlawful sexual intercourse may be limited to up to \$3,000, and a derivative victim of the same violation of unlawful sexual intercourse may not be eligible for reimbursement for mental health counseling expenses.
- (5) The Program faces potential funding shortfalls during the next 18 months, as fully described in the attached "Budget Paper for Board Discussion and Action, January 10, 2003," which is incorporated into this Finding of Emergency.

- (6) Without implementing the proposed emergency regulations, the Board will be required to further delay payment to victims and derivative victims and their mental health providers. This delay means that eligible persons with an immediate need for mental health assistance may be unable to continue or initiate mental health treatment that is vital to their recovery, resulting in further victimization of those who are already vulnerable.